

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

JANA M. TURK,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-643-W
)	Okla. Cnty. Case No. CJ-2017-1922
LYNN MARLENE FREEMAN,)	
an Individual, and)	
DOWELL TRANSPORT, INC.,)	
an Arkansas Corporation,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Dowell Transport, Inc. notifies the Court and all involved parties of removal of this action from the Oklahoma District Court of Oklahoma County to the United States District Court for the Western District of Oklahoma. Removal of this action is authorized by 28 U.S.C. §§ 1332, 1441, and 1446. In support of its *Notice of Removal*, Dowell alleges and states the following:

1. The action styled *Jana M. Turk, Plaintiff, v. Lynn Marlene Freeman, an Individual, and Dowell Transport, Inc., an Arkansas Corporation, Defendants*. Case No. CJ-2017-1922 commenced on April 4, 2017 in Oklahoma County District Court. On May 17, 2017, Turk filed her *First Amended Petition* and served Dowell on May 23, 2017. On June 7, 2017, Dowell answered Turk's *First Amended Petition*.
2. *Notice of Removal* was filed within 30 days after Dowell was served with Turk's *First Amended Petition* as required by 28 U.S.C. § 1446(b). No other Defendant is required

to consent to this removal action because Turk has not served any other Defendant, nor has any other Defendant filed a responsive pleading.

3. 28 U.S.C. § 1332 authorizes the Court to exercise original jurisdiction over this case because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the parties are citizens of different states.
4. Turk's *First Amended Petition* states that she seeks damages exceeding \$75,000.00.
5. Plaintiff Jana M. Turk is a citizen Oklahoma.
6. Defendant Lynn Marlene Freeman (deceased) was a citizen of Arkansas.
7. Defendant Dowell Transport, Inc. is an Arkansas corporation with its principal place of business in Arkansas.
8. Complete diversity of citizenship exists because, at all relevant times, Plaintiff was a citizen of Oklahoma and Defendants were located in states other than Oklahoma.
9. Because the Court has original jurisdiction, 28 U.S.C. § 1441(a) permits removal of this case to federal court.
10. Copies of all process, pleadings, and orders are attached:

Exhibit 1 OSCN Case Summary dated June 8, 2017

Exhibit 2 *Pauper's Affidavit* dated April 3, 2017

Exhibit 3 *Petition* dated April 4, 2017

Exhibit 4 Plaintiff's *First Amended Petition* dated May 17, 2017

Exhibit 5 *Defendant Dowell Transport, Inc.'s Answer to Plaintiff's First Amended Petition* dated June 7, 2017

Exhibit 6 *Defendant Dowell Transport, Inc. 's Suggestion of Death Upon the Record* (not file-stamped)

Exhibit 7 Civil Cover Sheet

11. In compliance with 28 U.S.C. § 1446(d), Dowell will serve Turk with written notification of this *Notice of Removal*, and will file a copy with the Court Clerk of Oklahoma County, Oklahoma.

Because the Court has the authority to exercise original jurisdiction, Defendant Dowell Transport, Inc. requests removal of this case to federal court.

Respectfully submitted,



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Attorneys for Defendant
Dowell Transport, Inc.

CERTIFICATE OF SERVICE

I certify that on June 8, 2017 I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit Notice of Electronic Filing to the following ECF registrant:

G. Robert Carpenter, Esq.
bcarpenter4law@gmail.com
5030 N. May Avenue, Suite 144
Oklahoma City, Oklahoma 73112
Attorneys for Plaintiff

